

TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT
(Under 37 CFR 1.97(b) or 1.97(c))

Docket No.
14418Z

In Re Application Of: Benjamin E. Reubinoff, et al.

Serial No.
09/970,543

Filing Date
October 4, 2001

Examiner
Unassigned

Group Art Unit
1632

Title: EMBRYONIC STEM CELLS AND NEURAL PROGENITOR CELLS DERIVED THEREFROM

Address to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

37 CFR 1.97(b)

1. ☐ The Information Disclosure Statement submitted herewith is being filed within three months of the filing of a national application other than a continued prosecution application under 37 CFR 1.53(d); within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 in an international application; before the mailing of a first Office Action on the merits, or before the mailing of a first Office Action after the filing of a request for continued examination under 37 CFR 1.114.

37 CFR 1.97(c)

2. ☒ The Information Disclosure Statement submitted herewith is being filed after the period specified in 37 CFR 1.97(b), provided that the Information Disclosure Statement is filed before the mailing date of a Final Action under 37 CFR 1.113, a Notice of Allowance under 37 CFR 1.311, or an Action that otherwise closes prosecution in the application, and is accompanied by one of:

☒ the statement specified in 37 CFR 1.97(e);

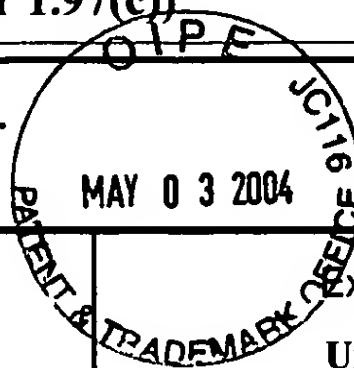
OR

☐ the fee set forth in 37 CFR 1.17(p).

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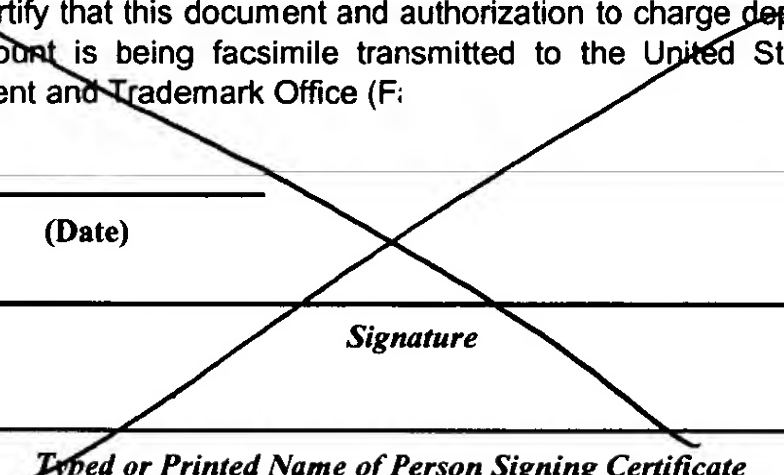
EMBRYONIC STEM CELLS AND NEURAL PROGENITOR CELLS DERIVED THEREFROM

Payment of Fee


(Only complete if Applicant elects to pay the fee set forth in 37 CFR 1.17(p))

- ☐ A check in the amount of _____ is attached.
- ☒ The Director is hereby authorized to charge and credit Deposit Account No. 19-1013/SSMP as described below.
- ☐ Charge the amount of _____
- ☒ Credit any overpayment.
- ☒ Charge any additional fee required.

Certificate of Transmission by Facsimile*

I certify that this document and authorization to charge deposit account is being facsimile transmitted to the United States Patent and Trademark Office (F:	
_____ (Date)	
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Certificate of Mailing by First Class Mail

I certify that this document and fee is being deposited on April 29, 2004 with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.	
	
_____ Signature of Person Mailing Correspondence	
Frank S. DiGiglio	
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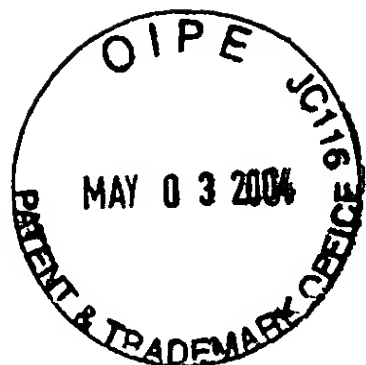
*This certificate may only be used if paying by deposit account.


Signature

Dated: April 29, 2004

Frank S. DiGiglio
Registration No. 31,346
Scully, Scott, Murphy & Presser
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Garden City, NY 11530
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cc:



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Benjamin Reubinoff, et al.

Examiner: Deborah Crouch

Serial No.: 09/970,543

Art Unit: 1632

Filed: October 4, 2001

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For: EMBRYONIC STEM CELLS AND
NEURAL PROGENITOR CELLS
DERIVED THEREFROM

Dated: April 29, 2004

Confirmation No.: 1839

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Sir:

In accordance with 37 C.F.R. §§ 1.97 and 1.98, it is requested that the following references, which are also listed on the attached Form PTO-1449, be made of record in the above-identified case.

1. International Application Publication No. WO 01/68815, dated September 20, 2001;
2. International Application Publication No. WO 99/32606, dated November 16, 2000;

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on April 29, 2004.

Dated: April 29, 2004



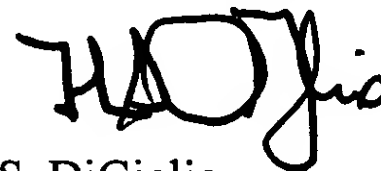
Frank S. DiGiglio

3. T. Mujtaba, et al., "Lineage-Restricted Neural Precursors Can Be Isolated from Both the Mouse Neural Tube and Cultured ES Cells", Developmental Biology, Vol. 214, pp. 113-127, (1999);
4. O. Brustle, et al., "Embryonic Stem Cell-Derived Glial Precursors: A Source of Myelinating Transplants", Science, Vol. 285, pp.754-756, (1999);
5. C.N. Svendsen, et al., "New Prospects for Human Stem Cell Therapy in the Nervous System", Trends in Neuroscience, Vol. 22, No. 8, pp.357-364, (1999); and
6. J. Thomson, et al., "Neural Differentiation of Rhesus Embryonic Stem Cells" Acta Pathologica, Microbiologica, et Immunologica Scandinavica, Vol. 106, pp.149-157, (1998).

The references were cited in a Search Report received from the European Patent Office, dated February 6, 2004. The relevance of the above-identified references has been described in the Search Report. The Search Report also cites Reubinoﬀ, et al. and Li et al. The B. E. Reubinoﬀ, et al., reference was submitted in an Information Disclosure Statement dated December 18, 2003. The M. Li, et al., reference was cited by the Examiner in the Office Action dated March 5, 2004. Therefore, these two references are not included in the attached Form PTO-1449.

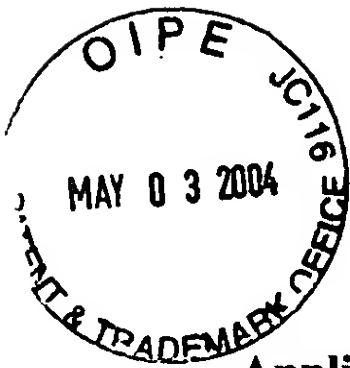
Inasmuch as this Information Disclosure Statement is being submitted in accordance with the schedule set out in 37 C.F.R. § 1.97(e), a Statement in accordance with §1.97(c)(1) and (e)(1) is enclosed.

Respectfully submitted,



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**STATEMENT PURSUANT
TO 37 C.F.R. § 1.97(c)(1) and (e)(1)**

Sir:

I hereby state that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on April 29, 2004.

Dated: April 29, 2004



Frank S. DiGiglio

INFORMATION DISCLOSURE CITATION*(Use several sheets if necessary)***Atty. Docket No. (Optional)**

14418Z

Application Number

09/970,543

Applicant(s)

Benjamin Reubinoﬀ, et al.

Filing Date

October 4, 2001

Group Art Unit

1632

U.S. PATENT DOCUMENTS

EXAMINER INITIAL*		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE (if appropriate)
	AA						

FOREIGN PATENT DOCUMENTS

	REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
	1.	WO 01/68815	09/20/2001	PCT				
	2.	WO 99/32606	11/16/2000	PCT				

OTHER DOCUMENTS *(Including Author, Title, Date, Pertinent Pages, Etc.)*

	3.	T. Mujtaba, et al., "Lineage-Restricted Neural Precursors Can Be Isolated from Both the Mouse Neural Tube and Cultured ES Cells", <u>Developmental Biology</u> , Vol. 214, pp. 113-127, (1999)
	4.	O. Brustle, et al., "Embryonic Stem Cell-Derived Glial Precursors: A Source of Myelinating Transplants", <u>Science</u> , Vol. 285, pp.754-756, (1999)
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	6.	J. Thomson, et al., "Neural Differentiation of Rhesus Embryonic Stem Cells" <u>Acta Pathologica, Microbiologica, et Immunologica Scandinavica</u> , Vol. 106, pp.149-157, (1998)

EXAMINER**DATE CONSIDERED**

* **EXAMINER:** Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.